

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ABBOTT CARDIOVASCULAR)	
SYSTEMS, INC. and ABBOTT)	
LABORATORIES, INC.,)	REDACTED PUBLIC
)	VERSION
Plaintiffs,)	
)	Civil Action No. 98-80 (SLR)
v.)	(Consolidated with C.A. No. 98-314 (SLR)
)	and C.A. No. 98-316 (SLR))
MEDTRONIC VASCULAR, INC. and)	
MEDTRONIC USA, INC.,)	
)	
Defendants.)	

**MEDTRONIC’S MOTION FOR LEAVE TO FILE SURREPLY TO ABBOTT’S MOTION
TO LIFT STAY OF PROCEEDINGS ON ABBOTT’S MOTION
FOR PERMANENT INJUNCTION AS TO MEDTRONIC’S ENDEAVOR**

Defendants Medtronic Vascular, Inc. and Medtronic USA, Inc. (“Medtronic”) respectfully move for leave to file a surreply to Plaintiff’s Motion to Lift Stay of Proceedings on Abbott’s Motion for Permanent Injunction as to Medtronic’s Endeavor (D.I. 824) in light of two serious (among many) misstatements of fact in Plaintiff’s Reply Brief In Support Of Its Motion To Lift Stay Of Proceedings (D.I. 830). Medtronic’s short proposed surreply is attached hereto as Exhibit 1 and its proposed declaration attaching supporting evidence is attached hereto as Exhibit 2.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Karen Jacobs Loudon
Karen Jacobs Loudon (#2881)
1201 North Market Street, P.O. Box 1347
Wilmington, DE 19899-1347
(302) 658-9200
klouden@mnat.com
*Attorneys for Defendants Medtronic
Vascular, Inc. and Medtronic USA, Inc.*

OF COUNSEL:

Kevin S. Rosen
Matthew A. Hoffman
Anthony S. Newman
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
Los Angeles, CA 90071-3197
(213) 229-7000

H. Mark Lyon
Frederick S. Chung
GIBSON, DUNN & CRUTCHER LLP
1881 Page Mill Road
Palo Alto, CA 94304-1211
(650) 849-5300

April 1, 2008

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CERTIFICATE PURSUANT TO D. DEL. LR 7.1.1

Defendants Medtronic Vascular, Inc. and Medtronic USA, Inc. ("Medtronic") certify that they have conferred with counsel for Abbott Cardiovascular Systems, Inc. and Abbott Laboratories, Inc. ("Abbott") on Medtronic's Motion for Leave to File Surreply to Plaintiff's Motion to Lift Stay of Proceedings on Abbott's Motion for Permanent Injunction as to Medtronic's Endeavor, and that Abbott opposes the motion.

/s/ Karen Jacobs Louden

Karen Jacobs Louden (# 2881)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on April 11, 2008 I electronically filed the foregoing with the Clerk of the Court using CM/ECF which will send notification of such filing to Frederick L. Cottrell, III.

I further certify that on April 11, 2008 I served copies of the foregoing to the following counsel in the manner indicated:

BY HAND & EMAIL

Frederick L. Cottrell, III
Anne Shea Gaza
Richards Layton & Finger
One Rodney Square
P.O. Box 551
Wilmington, DE 19899

BY EMAIL

J. Michael Jakes
Michael A. Morin
Finnegan Henderson Farabow Garrett & Dunner LLP
901 New York Avenue, NW
Washington, DC 20001-4413

/s/ Karen Jacobs Louden

klouden@mnat.com